

# GOLIATH

Series Pilot "Home Remedy"

script by **Dave Kajganich**, based on the book  
The Autobiography of an Execution by David R. Dow

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**NOTE:** Most characters are native to different parts of Texas. Their occasionally grand, even eccentric, turns of phrase represent a way of speaking that is sincere, and will be familiar to anyone who's spent time in the state.

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INT. CHITTY HOUSE, MASTER BEDROOM -- NIGHT

An alarm clock glows 5:59 a.m. There is the sound of DISTANT THUNDER, the TING of a WINDCHIME, and a WET TAPPING. When the clock flips to the hour, Lefty Frizzell's "If You've Got the Money" come on with KPFT Huntsville's station identification.

DOUG CHITTY (50s), groggy, turns on a bedside lamp and sees: A dirty water stain is spreading over the coverlet. He looks up. The ceiling has a sizable leak. He says, to no one:

DOUG  
Another Chitty day.

INT. CHITTY HOUSE, BATHROOM -- DAWN

He scrapes his tongue, pees in the shower. Somewhere out in the house, two SMALL DOGS have begun BARKING.

INT. CHITTY HOUSE, KITCHEN -- DAWN

Doug puts a Dairy Queen tub on the counter to catch another leak. The dogs, in the cellar, are BARKING like crazy now. He pours himself some coffee, takes a sip, then opens the door.

DOUG  
Come on out you hounds of Hell.

Two pepper-coated Dandie Terriers, groomed within an inch of their lives, rush into the room like a pair of crazy ladies.

DOUG (CONT'D)  
Hell's just full of yippy little  
dogs like you, ain't that right?

EXT. CHITTY HOUSE, YARD/STREET -- DAY

Doug comes out of his squat brick house in khakis and a denim shirt. He heads past his mailbox, which reads "CHITTY," and across the street to the colossal Huntsville Penitentiary, aka the "Walls" Unit. Built in 1849, it now sits in the middle of a neighborhood, family homes twenty yards from its high brick perimeter wall. High over its entrance is a simple clock.

INT. "WALLS" UNIT, MAIN SECURITY ENTRANCE -- DAY

Doug passes through the main security gate and then a second interior gate, trading "Good Mornings" with the guards as he goes. Then he heads up into the front offices.

INT. "WALLS" UNIT, WARDEN'S OUTER OFFICE -- DAY

Doug comes in and finds the Warden's secretary, EILEEN (50), up on a chair hanging Halloween skeletons without irony.

DOUG  
He in there?

EILEEN  
Sure is.

INT. "WALLS" UNIT, WARDEN'S OFFICE -- DAY

The warden, DON DYCUS (50s), is in a vinyl arm chair signing forms. His office is low and panelled, with window bars and a riot-proof door. He is completely at home here.

DOUG  
Lord, I hate to tell you this--

WARDEN DYCUS  
Now what?

DOUG  
That son-in-law of yours may treat your Janey like a princess, but that boy's about as handy as tits on a bull. Guess who sprung a bunch more leaks last night?

WARDEN DYCUS  
I wondered when I heard that rain.

DOUG  
I woulda called up Bart instead of comin 'up here to bug you, but he'll just send out your Josh again 'less you tell him not to--

WARDEN DYCUS  
Eventually Josh'll get it.

DOUG  
"Eventually"'s not gonna cut it, Don. One of them leaks got into bed with me last night. And so far I haven't, but I'm gonna lose some books, or a good picture I can't replace. Now help me out of this.

WARDEN DYCUS  
You make it sound like I'm some kinda slum lord or something.

DOUG  
That depends who you ask--

Eileen's CHUCKLE can be heard from the outer office. Don gestures to the window.

WARDEN DYCUS

Well, Mr. Giggles, you ain't the  
only one got pissed on last night.

Doug looks out and sees some drop cloths around the door of a  
small brick building attached to the perimeter wall.

WARDEN DYCUS (CONT'D)

Mold got in there all along the  
back. Got to get it ready for Mon-  
day. Press and all.

DOUG

Who's up?

Dycus checks a form, pronouncing the name slowly.

WARDEN DYCUS

"Federico Alecia." DOB 1/7/78.

(with a yawn)

All right, I'll call a roofer. See  
if I can get one to come out on a  
weekend. Don't hold your breath.

DOUG

I'll be honest, Don; I'm not sure I  
got a lot more of these in me.

WARDEN DYCUS

You say that every time.

DOUG

I mean it every time.

WARDEN DYCUS

Well, you wouldn't be any good at  
it if you didn't, I guess.

DOUG

You think it's gonna go ahead?

WARDEN DYCUS

Who ever knows? I'm sure there's  
somebody out there right now trying  
to stop it.

INT. "WALLS" UNIT, DEATH HOUSE, CORRIDOR -- DAY

Inmates paint the back wall of each of the five holding cells  
in the death house. Guards supervise. Doug pokes in his head.

DOUG

Boys, you make a good job of that.  
You know what happens in here.

GUARD #1

You got it, Pastor.

Behind Doug, in the next room, a cross-shaped padded table can be seen: The execution chamber.

DOUG

This is a holy place. Make it look like one.

He nods to the guards and goes. When he's out of earshot, one of the inmates says:

PRISONER #1

What the hell's he mean by that?

GUARD #2

A little further down that road you're on, maybe you'll find out.

The other guards, and most of the prisoners, LAUGH.

**OPENING CREDITS** play to Damien Jurado's haunting "Paper Kite." The various "uniforms" of our characters hang suspended miraculously like ghosts in locations they don't match, suggesting conflicts the show will explore: A mother's funeral dress in a death row cell; a judge's robes in a prison cemetery; a pastor's clergy blacks in a courtroom; a guard's khakis in a chapel; a prisoner's jumpsuit in a rural living room; a victim's bloody bathrobe in a lawyer's office; and, finally, a lawyer's suit and tie in the execution chamber.

END OF ACT ONE

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INT. DAVID'S TRUCK -- DAY

DAVID DAWES (40s) is jocking through morning traffic, steering wheel drumming to Cream's "White Room." An off-ramp dumps him into South Houston's low-rent Binz neighborhood. David is a curious hybrid; a lanky New England Jew--liberal, intellectual--yet somehow at home deep in the heart of Texas.

EXT. TEXAS DEFENDER SERVICE -- DAY

A house with a paved yard surrounded by a new security fence sits on a corner. David clicks open the gate and pulls in.

INT. TEXAS DEFENDER SERVICE, KITCHEN/HALLWAY -- DAY

He comes through a kitchen stacked with file boxes and down a narrow hall, passing rooms converted into offices. In one, the office manager JUANITA (45) is on a call. He waves.

INT. TEXAS DEFENDER SERVICE, RECORDS ROOM -- DAY

He comes into what must have been a dining room. It's now furnished with rows of big black filing cabinets. David goes straight to the fax machine there, but finds its tray empty.

JUANITA (O.S.)

*Nothing from D.C. It's early, yet.*

INT. TEXAS DEFENDER SERVICE, DAVID'S OFFICE -- DAY

David comes into his office. There's a scuffed desk and pair of Morris chairs. He's still unpacking, but he has managed to hang up a dartboard. His phone RINGS. He grabs it, fast.

DAVID

*Defender Service. This is David.*

ALAN'S VOICE

*Homesick yet?*

DAVID

*(half-smiling)*

*I just signed a year lease over here. You didn't get that memo?*

INT. SMYSER, KAPLAN, PAVELKA ATTORNEYS, ALAN'S OFFICE -- DAY

ALAN PAVELKA (50s) stands at the floor-to-ceiling window in his partner office high above downtown.

ALAN

*I can see your office right now, right between the homeless gal and the three-legged dog.*

DAVID'S VOICE

*I might as well be on Mercury.*

INTERCUT AS NECESSARY:

ALAN

*You'll be back. You'll consult with us on cases. I'm not giving your office to anybody.*

DAVID

*I'm not going to be using that office, Alan.*

ALAN

*We'll see how things go. You may want to rethink that huge demotion you just gave yourself.*

DAVID

I've got a litigation meeting in a minute. Take me to lunch next week and I'll tell you all about it.

ALAN

You know I don't pick up the tab for non-profit guys. Not even you.

DAVID

You'll keep an office for me, but you won't buy me lunch?

ALAN

(wryly)

Only one encourages a return.

INT. TEXAS DEFENDER SERVICE, CONFERENCE ROOM -- DAY

David comes upstairs to the conference room. The walls are covered in dry-erase calendars for court dates. Several planned executions are outlined in black.

The staff is assembling around a big beat-up dining table ringed with shitty office chairs: JEROME (30), a sort of alarmist young Harry Belafonte; GARY (30) intimidating, tattooed, genteel; and PATTY (45) everyone's anchor, a mix of sunshine and x-rays. Finally, a Chinese woman, MIAO (pronounced "MEE-woh")(30) joins them as well. She's dressed up, the only one who looks like an actual professional.

DAVID

Gary, you weren't here yesterday for the welcome beers. This is Miao Deng. UVA law grad, came to us via Annie at the Virginia Innocence Project. She wanted to see the system here up close, so here she is.

(beat)

She's not licensed to practice in Texas, so we're calling her a "case analyst" for now.

Gary, and who's wearing a wedding ring, smiles and welcomes her politely. It is Jerome who is giving her longer looks.

DAVID (CONT'D)

State *habeas* updates?

David bounces a tennis ball off the wall and listens.

JEROME

We should hear from SCOTUS any minute on Alecia's cert petition.

(MORE)

JEROME (CONT'D)

We're working up a claim to throw back at the district court if it's a "no." It's thin,

GARY

How thin?

DAVID

Real thin. The numbers just aren't there on parties cases.

MIAO

"Parties"? I don't know that term--

DAVID

Nobody tell her.

(to Miao)

When you figure it out, you'll feel your mind get fucked, Texas style.

Miao, looks around flatly, not sure she's up for that.

JEROME

We could get good news from the pardons board I guess, but--

David nods. It's all expected, but hard to take nonetheless. But then the FAX SIGNAL STARTS. They all get up.

INT. TEXAS DEFENDER SERVICE, RECORDS ROOM -- DAY

They come into the records room. David takes one look at the fax and kicks a filing cabinet. Juanita comes to the door.

DAVID

Call up Polunsky and let the warden know Miao and I are on our way.

Miao looks at David, surprised.

GARY

It's Friday, don't forget.

DAVID

Try anyway. Let 'em know what's going on. I want to tell Alecia in person. Everyone else stay on the protection claim. And whoever finally pins down Jones gets 500 bucks.

JEROME

(to Miao, explaining)

Clee Jones. Alecia's original defense attorney, from his trial.



GARY

He won't talk to us. He's in the  
D.A.'s office now.

Miao looks perplexed by this, already baffled by Texas.

DAVID

Tell Jones it's his last chance to  
man up. Tell him 'til he does it.

Miao asks Patty, discreetly:

MIAO

What's at the prison on Friday?

PATTY

Family day.

CUT TO:

EXT./INT. EARLE FAMILY CAR -- DAY

An old Camero, injured with rust, exits U.S. 90 and heads into the town of Katy, Texas. Road signs show Houston is only 30 miles east, but the landscape has already opened up.

CHARLIE EARLE (25) drives. He's mixed race, black and Latino. He smokes, aiming out the window. His wife MARLENE (25) sits beside him, looking wan and wired. She glares out the window and takes the cigarette. He checks some directions and turns. The car is full of boxes and bags stuffed with their belongs.

In the backseat, two kids are strapped into car seats sleeping: CARTER (3) and J.D. (1). Carter is mixed-race like Charlie, but J.D. is blonde and white, like Marlene.

INT. EARLE FAMILY CAR -- DAY

In the rangeland beyond Katy, they pass only occasional mailboxes. Finally, they turn into the dirt driveway of a low-slung house close to the road. The siding's rotted, but intact. A cinder-block garage sits out on a balding lawn.

CHARLIE

Keys are in a coffee can out back--

He parks. Marlene barely looks at the house. She gets out and heads to the front door with the first bag.

INT. EARLE HOUSE, LIVING ROOM -- DAY

Charlie lets them in. Inside, the tattered shades are pulled. It's half furnished: Formica table in the kitchen, a chair; a couch. Marlene puts down her bag and is about to go for more.

CHARLIE

Hold up. Before we bring everything in, Leon said there's some cleaning stuff in the workshop.

MARLENE

You said I could crash, Charlie. You know how shitty I feel--

CHARLIE

Yeah, but we got to clean it first. So let's go while they're sleeping. You and me, 'lene. No one else.

MARLENE

Fucking *come on*. You know I won't be able to sleep when they're up--

CHARLIE

(mildly)

I'll handle it. You want to argue with me about it, we'll argue, but it's what's happening: We're cleaning our house now.

A stare down. Charlie wins. He opens the blinds.

CHARLIE (CONT'D)

After that, we'll put sheets on the bed and you can sleep all you want. I'll bring everything in.

MARLENE

(acidly)

So you can check it all again?

CHARLIE

That's right.

He comes over and holds her. She doesn't participate.

MARLENE

This isn't our house.

CHARLIE

Good things are gonna happen here. I wanna make it nice as I can til they start. But I need your help.

CUT TO:

INT. DAVID'S TRUCK -- DAY

David and Miao exit I-59 and drive through rural Polk County.

The TDCJ's Allan B. Polunsky Unit comes into view. Polunsky's more recognizable as a prison than the "Walls" Unit--a geometric layout of concrete buildings ringed by electric fences.

David pulls up to the gate behind a line of cars. A GATE GUARD comes up with a mirror wand to search under the truck.

POLUNSKY GATE GUARD

You don't have anybody in the tool box there, do you?

DAVID

Shouldn't you ask me on my way out?

The guard eyeballs him and waves him on. Miao starts putting her phone and jewelry in the glove box.

INT. POLUNSKY UNIT, VISITOR ENTRANCE -- DAY

They come out the back of the security entrance with VISITOR badges and walk across the perimeter yard to Building 12. A row of flowers is planted beside the walk, like some joke.

INT. POLUNSKY UNIT, WARDEN'S HALLWAY/VISITATION AREA -- DAY

They sign in at the Warden's office, then pass a prison barber shop and uniform dispensary and come to two heavy gates. They go through #1 and, when it shuts behind them, #2.

The busy visitation area looks universally familiar: Wired glass, molded plastic chairs, Color-Dek floors, vending machines. This could be any public high school. They sign in.

VISITING ROOM GUARD

Fifteen.

They walk to booth #15 and sit. All the other booths are taken with family and friends. There are quite a few kids, many dressed for Halloween. One KID (9) is dressed like a convict.

MIAO

That's sweet, in a way. If you think about it--

DAVID

If I think about that for more than eight seconds I will kill myself.

FEDERICO ALECIA (31) enters on the other side of the glass. He watches David as he sits to be uncuffed. He acknowledges Miao not at all. Once unshackled, he picks up his phone.

DAVID (CONT'D)

The Supreme Court turned us down.

Alecia nods to himself. Breathes.

DAVID (CONT'D)

We'll file a new claim in district court tonight, but I'm not expecting anything to come of it.

FEDERICO ALECIA

What about the pardon?

DAVID

We'll find out today, or Monday.

FEDERICO ALECIA

When was the meeting?

DAVID

Meeting?

FEDERICO ALECIA

The Clemency Board. My mom wanted to go. Roman, too. But he said you told him it wouldn't do any good. Why the fuck not?

DAVID

What I told him is that there is no meeting. It's seven people voting from where they live, which is all over Texas. We requested meetings, but legally they don't have to talk to us, so they don't. *Legally*, they have all they need: what we sent and what the D.A. did. Packets.

FEDERICO ALECIA

Then how the hell they vote?

DAVID

By fax.

Miao looks at him, unable to entirely cover her shock.

DAVID (CONT'D)

One of the board members should've come up to interview you, though. As a courtesy. Did someone come?

FEDERICO ALECIA

Yeah. Howard somebody. Real estate dude.

DAVID

Howard Lovell. How'd it go?

FEDERICO ALECIA

He asked me why they shouldn't execute me. I told him 'cause I didn't do nothing, except give Victor a ride to Darius' place. I told him I didn't know what Victor was planning to do. He said he understood.

Miao looks at David, putting it together. She's horrified.

DAVID

I wouldn't read into that.

FEDERICO ALECIA

They'll come through.

DAVID

Maybe. But you should be prepared for that not to happen, which means we need to go over what you decided for afterward, make sure it's still what you want.

FEDERICO ALECIA

I'm not talking about afterwards.

DAVID

Now's the time.

FEDERICO ALECIA

(more quietly)

I'm not talking about afterwards.

But David does not back down.

DAVID

Listen to me: Even if the board recommends relief, the Governor likely won't do it, and we likely won't be told that until 20 minutes before your execution. We're at the end.

FEDERICO ALECIA

I believe something different.

DAVID

What I'm telling you is that you'll almost certainly die on Monday. You don't have much time to prepare. So help me here. We have the state transferring your body to a funeral home on--

(checking his notes)

(MORE)

DAVID (CONT'D)  
Huge Oaks Street in West Spring  
Branch. Vasquez. Is that still what  
you want?

Alecia doesn't respond. He stares back, faith and denial indistinguishable. Finally, he gives David a slow middle finger, and grins.

DAVID (CONT'D)  
Then we'll keep it all as planned.

David packs up. Miao's looking down, holding back tears.

DAVID (CONT'D)  
I'll call as soon as we hear anything. I probably won't see you again, but I'll be in touch.

When he gets up, Alecia touches the glass, a customary death row farewell. David touches back. Alecia then does the same for Miao. Surprised, she touches back, too. Then they go.

EXT. POLUNSKY UNIT, WALKWAY -- DAY

David and Miao walk back across the perimeter yard toward the gates. Miao has composed herself, but is still shaken.

MIAO  
That's what "Parties" means? He  
*drove* someone someplace? And they  
are executing him for it?

DAVID  
He didn't even see it happen. His  
brother went into an apartment and  
twenty minutes later came out with  
a hot gun and blood on him.

Miao curses quietly, under her breath.

DAVID (CONT'D)  
Miao, I need to set a rule here.  
You *cannot* cry in front of clients.

MIAO  
I didn't--!

DAVID  
Close enough. If you have to, do it  
in the car. But keep in mind, most  
of these guys are absolutely guilty  
of the worst shit people do to one  
other. A bunch just got here in  
ways that shouldn't be legal.

(MORE)

DAVID (CONT'D)

So be empty when you go in and empty when you come out. I'm not going to waste time training you otherwise.

Miao, to her credit, stops walking and defends herself.

MIAO

That was my first you'll-be-dead-on-Monday talk and I thought I did ok. It's going to take me a minute to get used to how you do things here. Especially if it's all like that.

DAVID

He *will* be dead Monday. I'd bet my house on it. And I think telling him anything else is irresponsible. Immoral even. He needs the truth, so he can get ready. I'd want that.

Miao just shrugs, a small helpless shrug.

MIAO

I think I'd rather be lied to.

DAVID

You only think that because it's not happening to you.

She starts walking. He watches for a moment, amused by her innocence, but also sad for it. She's lining up for a beatdown.

END OF ACT TWO

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INT. TEXAS DEFENDER SERVICE, CONFERENCE ROOM -- DUSK

Everyone's back at the table working on laptops. Patty's handing out take-out cartons for dinner. David comes in, checking his watch.

GARY

Jesus, David, go home. It's not going to get any better because you watch us type it. Go be with your family. I'll email it to you the minute it's done, I promise.

DAVID

Did we hear back from Clee Jones?

Patty just shakes her head.

DAVID (CONT'D)

Fucker. Find him, Patty, I mean it.  
We can't let him duck this.

With that, David goes, though reluctantly.

MIAO

He *can't* relax or *won't* relax--?

PATTY

This? This is nothing. Alecia was David's first client, that's all, back when David started doing this *pro bono*. There's a lot of history here.

MIAO

What kind of law did he practice before?

PATTY

Contracts.

Miao's eyebrows shoot up.

JEROME

Kind of a mind blower, ain't it?

CUT TO:

INT. "WALLS" UNIT, CHAPEL OFFICE -- DUSK

Doug is in his tiny prison office. His desk is crowded with family photos. Several are of his wife, conspicuously absent now. The others are of his grown kids--a son, two daughters.

On his ancient computer, he's reading about Federico Alecia. He is pictured with his brother VICTOR under a headline "PARTY TO RAPE, PARTY TO MURDER." On another page, there are photos of the victims, two white teens--a thuggish young man and a young woman who appears to have some sort of disability.

Doug looks from one to the other, then to his kids' photos.

CUT TO:

INT. DAWES' HOUSE, LIBRARY -- NIGHT

David comes into a study shelved with books floor to ceiling. It's a warm, modern home. FLEETWOOD MAC can be heard further in the house. Little FOOTSTEPS come running up and ABE (6) appears. It's comical how much he resembles David.

David crouches down for a hug and Abe gives him one.



ABE

Mom said you might not make it back  
for dinner, but you did!

His wife KAY (40) comes in. Her face is just starting to be lined, but with all the creases happy people form.

KAY

You got my message about the limes--

He holds up a small sack from the grocery store. She gives him a nice kiss and they head into the house.

EXT. DAWES' HOUSE, BACK PATIO -- NIGHT

David, Kay, and Abe sit around a patio table eating mussels with their friends MAURA and TY (Black, 40s).

ABE

It starts at 7:00, but nobody really goes until it gets dark, right?

MAURA

There's a house on Auden St. that has a maze in the garage. You hear about this? They build it out of cardboard every year. They make you crawl through it in the total dark.

ABE

Is it okay to go over there, even if it's not our street?

Kay looks to David, thinking he'll answer this, but his mind is on something else.

KAY

You can trick-or-treat anywhere. You don't have to live there. In fact, if Dada's willing, you can even drive to other neighborhoods.

ABE

Can we, Dada?

DAVID

Sure, but keep in mind every minute you're in the car's a minute you're not getting candy.

TY

That's true.

David gets up and starts toward the kitchen door.

DAVID

Anyone need anything? More wine?

ABE

Can I be excused, please?

Kay nods. They go. She sees David check email in the kitchen.

INT. DAWES' HOUSE, HOME OFFICE -- NIGHT

David's office printer spits out pages. David starts reading. LAUGHTER drifts up from the patio. His jaw sets. It's what he expected. He looks cornered, no idea too desperate now.

INT. POLUNSKY UNIT, VISITING ROOM -- DAY (SILENT FLASHBACK)

*David is on death row for the very first time. He approaches a booth where Federico sits waiting for him. Both men are a decade or more younger. It's like a nervous first date. David sits and picks up the phone, exhilarated.*

INT. DAWES' HOUSE, ABE'S BEDROOM -- NIGHT

David has tucked Abe in and sits beside him on the bed.

DAVID

In the 12th round, Schmeling got in two hits. Hard ones. One to the ribs, one to the jaw. And Joe Louis went to the mat. The ref counted him out.

ABE

No!

DAVID

All those days Louis had been playing golf instead of training, Max Schmeling had been studying footage of Louis in the ring. He saw how Louis dropped his left hand after a jab, and that's how he beat him.

(beat)

Max Schmeling went back to Germany a hero. People here were devastated. A writer named Langston Hughes said when he walked down 7th Ave after the fight, grown men were crying in the street.

ABE

Because they loved Joe so much?

David nods.

DAVID

He was a national hero. He fought heavyweight champ James Braddock next and beat him easy. He went from losing to Schmeling to being world champ in one fight.

(beat)

But you know what he said?

Abe just shakes his head, rapt.

DAVID (CONT'D)

He said "I don't want anybody to call me 'champ' until I beat Max Schmeling."

ABE

And did he?

DAVID

They fought again, two years later in 1938, at Yankee Stadium. I'll tell you about it tomorrow night.

Now Abe looks like he's been punched.

ABE

Dada!

DAVID

Nope. Light's out.

ABE

Dada. That's not fair.

DAVID

It's almost ten. I've been very nice letting you stay up this late.

ABE

Dada--

DAVID

*Abe.*

He says this with some force. A beat. Abe settles into bed and asks:

ABE

Dada, why are you glum?

DAVID

"Glum"? Nice one, amigo. I didn't know I was.

ABE

Well, you are.

DAVID

I'll try to think what it could be.

That's good enough for Abe. He shuts off the reading lamp and closes his eyes. David kisses him.

INT. DAWES' HOUSE, MASTER BEDROOM -- NIGHT

David changes into boxers and a "Communist" t-shirt for bed. Kay is under the covers with a book.

KAY

Louis v. Schmelting I, huh? You want to talk about it?

DAVID

Damn that's a good story.

KAY

You know he's not going to be able to wait to hear the rest, right? He'll Google it before breakfast.

He climbs into bed with her.

KAY (CONT'D)

You went missing at dinner.

DAVID

They don't tell you how scary Halloween gets once you're a parent. Cardboard tunnels in people's garages. It's fucked up.

KAY

Look, I know next week is the anniversary. If it's about that, I want to talk about it.

(off his look)

One year since they executed Timothy Samples. I thought that might be on your mind.

(beat)

Or if something's going on at work--

At the name "Samples," David goes a degree colder.

DAVID

Everything's fine. Here and there. We don't even have a case in court this week. I'm having a thoughtful day. And IBS. I'm gassy, Kay--

She tears up a little and smiles, as if she's being foolish.

KAY

I'm really glad to hear that.

She settles in with her head on his chest. He turns out the light, but just lies there, wide awake.

CUT TO:

INT. EARLE HOUSE -- NIGHT

Marlene is in bed next to Charlie. She's wincing, shaking.

MARLENE

Charlie. Charlie--

CHARLIE

What is it?

Groggy, he turns on the light and sees the distress she's in.

MARLENE

I need a Xanax. *Fuck*, it hurts--

CHARLIE

What hurts?

She touches her *neck, chest, stomach*.

CHARLIE (CONT'D)

You're okay. It's probably-- things turning, babe. That's great. How about a bath? They helped me a lot.

She nods. He helps her out of bed and then carries her.

INT. EARLE HOUSE -- NIGHT

Marlene is in a hot bath, looking into the dark hallway for Charlie to come back. Without clothes on, she looks absolutely frail. She can't stand to be inside her own skin. On the sink sit fish oil and 5-HTP capsules from GNC.

A candy wrapper lies near the baseboard in the hall. Its silver mylar catches the light. She watches it in something like horror. Charlie returns with a banana and pint of milk.

MARLENE

Where's the Xanax?

CHARLIE

We're going through it too fast. I don't want to have to call Leon's guy again, okay? And you've got Ambien in you already.

She puts her hands to her face, panicking, tears coming.

MARLENE

It's not working. --How long does this fucking take?

CHARLIE

It's different for everyone. Yours took longer, but this is it. You'll feel a difference tomorrow. Better. Thank God. I'm not sure they would have let me put off starting at the plant much longer.

MARLENE

Come on, Charlie-- Xanax. Anything--

CHARLIE

I'm not calling Leon's guy anymore. I'm not taking chances. We're still in Harris County.

MARLENE

They don't know that. --Or drive to Austin. I don't care how!

He feeds her a piece of banana.

CHARLIE

I'm staying here with you.

MARLENE

I'm not gonna *do* anything, okay?!

There is so much shame in her voice, so much humiliation. She's trembling with hurt and anger. He holds out the milk.

CHARLIE

Come on. Sip this--

MARLENE

You fucking asshole. *Asshole!*

She starts hitting herself in the face. It's frightening to see. He drops the milk in the tub and grabs her wrists. In the next room, J.D. WAILS. Carter yells out, sleepy:

CARTER (O.S.)

Dad--

Marlene starts to cry, trying to flee the tub. He has to put some muscle into stopping her. She starts shouting.

CUT TO:

INT. PATTY'S HOUSE, BEDROOM -- NIGHT

Patty and her husband are asleep when the PHONE RINGS. Her husband gets it. In a moment, he hands her the phone.

PATTY'S HUSBAND

Some guy.

He goes right back to sleep. She slips into a robe.

PATTY

Jeez. Jealous much?

INT. DAVID'S HOUSE, KITCHEN -- NIGHT

David's back in his dark kitchen, on the phone, talking low.

INTERCUT AS NECESSARY:

DAVID

Sorry to wake you, Patty. Anything from the pardons board tonight?

PATTY

No. And I left around ten. Why?

DAVID

We'll file it, but that protection claim is a loser if I ever saw one.

PATTY

I know. There's nothing there. I'm sorry, David. I truly am.

DAVID

You think you could free up your tomorrow for me? It's not going to make me any friends, but I want to go after 'em, in person.

PATTY

After who?

Spread out across David's counter is a big road map of Texas. He's marked seven towns with Post-It arrows.

END OF ACT THREE

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EXT. HOUSTON LOOP, CHEVRON STATION -- DAWN

David comes out of a gas station balancing four coffees. It's early, almost sunup.

Gathered around the gate of his truck are Patty, Federico Alecia's mother ROSA (50) and yhis ounger brother ROMAN (24). They are looking at David's marked road map of Texas. Jerome pulls up and joins them.

DAVID

Jerome, you remember Federico's mother, and his brother Roman--

ROSA ALECIA

Thank you for giving up your Saturday.

Jerome nods, awkward in this job's surreal emotional moments.

JEROME

Where's Gary. And Miao?

PATTY

Already driving. They took Del Rio.

Jerome can hardly hide his disappointment.

DAVID

So far, we have addresses for five of the seven. Two are close: Sugarland and Huntsville. Patty, take Mrs. Alecia to those. Roman and I can hit Belton. Jerome, you take Plano. You grew up in Dallas right? It can't hurt.

MRS. ALECIA

I'm just not sure what I want to say to these people.

DAVID

Let them know how much you love your son. We'll do the rest. --We don't know who's voted and who hasn't, so if your first one has, keep driving to the next. Speed.

(beat)

Recommendation to pardon comes with a majority vote. We need four.

CUT TO:

INT. UNITED METHODIST THRIFT STORE -- DAY

In back of a Katy thrift store, twenty people are gathered in folding chairs, eyes closed in a moment of silence. Marlene's there with Charlie and the boys. She keeps her eyes on the floor. Finally, a SPEAKER (50) says:



SPEAKER

Own the little things.

Several people MURMUR in assent.

SPEAKER (CONT'D)

The first time I came to this group I was living in Sugarland. They had groups there, too, but I didn't go in case there'd be somebody I knew. I had a lot to be scared about, but I was scared of the wrong things. Dying on a binge scared me, sure, but not as much as getting seen at NA. You know? I wore a gimme cap. Sunglasses. Parked five blocks away

People laugh. Gallows humor clearly plays at these meetings.

SPEAKER (CONT'D)

And I'd sit there wantin' a cup of coffee, *bad*, but I wouldn't get up and get it. I wouldn't go ten feet to that back table because I didn't want people to see me. I eventually went, thank God, and it felt like the most *enormous* thing I ever did.  
(beat)

So *own* those little things. Whoever wants a cup of coffee, I urge you-- in the most loving, supportive, non-shaming way--get up and get one.

People CLAP. The speaker directs the next part to Marlene.

SPEAKER (CONT'D)

If you can't, keep coming. One day you will. There's alot of love here for you. It can be a long road, but it's going in the right direction.

People WHISTLE. Marlene does not. She looks as if this has confirmed some awful thing she's long suspected.

SPEAKER (CONT'D)

I finally got that coffee at meeting number ten. At meeting eleven, I finally told people my name.  
(off their laughter)  
And at meeting twelve, I finally told them my *real* name.

People LAUGH and CLAP harder. The Speaker looks at once sincere and very pleased with himself.

EXT. UNITED METHODIST THRIFT STORE -- NIGHT

The meeting is breaking up. Marlene has J.D. on her shoulder, heading to the parking lot. Charlie is carrying Carter behind her. Suddenly, someone on their side of the street yells out:

N.A. MEMBER

*Y'all get the FUCK outta here.*

Marlene looks. Someone from the meeting is yelling at someone in the parking lot of the bar across the road called "Rangley's Bullseye."

Two men lean on the front of a custom pickup, white with a brown stripe. One's a skinny Mexican guy, the other's a white guy who's gone prematurely grey. He's in a Korn tank top out in the cold. They are watching the crowd leaving the meeting, Marlene included. The white guy touches a finger to his nose, then they go into the bar.

Charlie sees this. He goes protectively to Marlene's side.

CUT TO:

INT. WACO STAR MOTEL, DAVID'S ROOM -- NIGHT

Over the following conversation, David does his nightly push ups, burning through his sets to failure.

PATTY (V.O.)

Not the day we hoped for. Pat Heese gave Gary and Miao 10 minutes, then said he was *unmoved*. Both our guys were a bust. Very chilly. Mrs. Alecia was great, but she's wrecked. I bought her a sandwich and took her home. Jerome's car broke down in Corsicana, but he'll be in Plano by noon tomorrow. How'd you do?

DAVID (V.O.)

We couldn't *find* our guy. Neighbor said he was probably up a tree. It's the last weekend for bow hunters before the opener, apparently.

PATTY (V.O.)

We did get one more address. Dale Weeks. Outside Abeline. You're closest. You think Roman's up for it?

CUT TO:

David sits by his room phone and dials home. Kay answers.

KAY'S VOICE

David, where are you--!? Your note said you'd be home by six.

DAVID

On the road, still. We were able to schedule another sit-down tomorrow--

KAY'S VOICE

You were supposed to take Abe trick-or-treating tonight.

David closes his eyes. *Fuck*. He's furious with himself.

DAVID

You didn't go without me?

KAY'S VOICE

He said he wanted to wait for you. He helped me hand out candy to all the other kids, David.

(beat)

Last night you made it sound like you didn't have anything pressing. What case are you working?

DAVID

Can you put Abe on?

INT. DAWES' HOUSE, STUDY -- NIGHT

He's just ignored her question, stunning Kay. She motions Abe to the phone. He's out of his costume, whatever it was, but there's still a smudge of dark make-up under one eye.

ABE

Dada. You missed trick or treat.

INTERCUT AS NECESSARY:

DAVID

I know, amigo. Can you forgive me?

ABE

Yes. Are you downtown?

DAVID

No. I'm far. I'm trying to help someone.

ABE

What did he do?

David thinks how to answer.

DAVID

His brother hurt someone. A man who died. And people say my client helped him. He's being punished, but too much.

ABE

Do they want him to pay a lot of money or something?

DAVID

Can I answer that another time?

ABE

Sure. Are you done helping him?

DAVID

No, but when I am I'll tell you about it, and about why your dad is such a jerk.

ABE

You're not just a jerk, you're a lerk, Dada. A jerk and late. Both.

David smiles in spite of himself. *This kid.*

DAVID

I bet we can find a neighborhood that's trick-or-treating tomorrow. Not all places do it on Halloween.

ABE

Mom checked. Tonight was the end.

DAVID

I'm really sorry.

ABE

I'm a little sad.

DAVID

Me too, amigo. It's okay to be a little sad. Even a lot sad.

ABE

Maybe I'm a lot sad.

DAVID

I would be, too.

(beat)

All right. Tell mama I'll call her tomorrow. I love you.

ABE

Okay. Good night, Dada.

Abe hangs up. Kay, having only heard Abe's side, is as angry as she is sad.

EXT. WACO STAR MOTEL, PARKING LOT -- NIGHT

David comes out of one of the rooms of a tidy motor court. He looks furious and defeated. There's a lot of heat lightning on the horizon. Before he goes back inside, in the room next to his, he can hear ROMAN on the phone:

ROMAN (O.S.)

*Esto no quiere decir que no nos escucharon, mamá. Esto no quiere decir que apretarán el botón.*

FADE OUT:

EXT. ROCKING SEVEN RANCH, PORCH -- DAY

David and Roman sit on a wide porch overlooking big acreage. DALE WEEKS (60) brings out a plate of sloppy joes with chilies. They've clearly pulled him off his horse--he's in a hat and dusty roper boots. He's irritated, but civil.

He takes three bottles of Shiner out of a cooler next to his sleeping dog and hands David one. He says to Roman:

DALE WEEKS

You twenty-one?

Roman nods, so Dale give him the beer.

DALE WEEKS (CONT'D)

I'll tell you boys straight, I read what you sent. I'm fixin' to vote no relief and I'm not sure there's any chance of you changin' that neither. But you drove a ways, so I'll listen to whatever you got to say.

DAVID

If you read it then you know Roman here was in the car. He says he didn't know Victor was going to shoot anyone either, like Federico didn't know.

Dale swigs his beer and asks Roman directly:

DALE WEEKS

But you knew he had a gun on him.

Roman nods once.

DALE WEEKS (CONT'D)

You knew, but you're surprised he shot somebody with it? To me that dog just won't hunt--

ROMAN

Lots of people carry guns and don't shoot nobody, Sir.

David looks at Roman, not sure if the "Sir" is sincere.

DALE WEEKS

They aren't thieves and dealers. Your brother's record before this--  
*Hoo. It was about to walk off.*

Roman looks at David, who swings to a new tack.

DAVID

We can talk more about that, but I want to remind you Victor got life. So there are other issues here. Ones that aren't in the petition--

DALE WEEKS

Like what?

DAVID

Like whether you want this Parties Law around in a year or two. If you do, this case is as clear an advertisement for its defects as I could dream up. If you execute Federico Alecia, for whom there's a witness who says he knew nothing, that is just tall-headline leverage for anyone on the abolitionist side. And it'll get used that way. We certainly will. Let's talk about that.

Dale Weeks raises an eyebrow.

DALE WEEKS

I wanna make sure I understood you: You're telling me I should vote down *this* execution so we can *keep* executing people in the future?

DAVID

If it helps, yes Sir.

Weeks leans back, grinning now, ready for anything.

INT. DAVID'S TRUCK -- DUSK

David and Roman ride in silence. BACH plays on the radio. Roman watches windbreaks and hay barns pass. He finally asks:

ROMAN

Will he be able to see me? When they do it?

David looks. The boy is dry-eyed, just wanting to know.

DAVID

If it happens, he'll be strapped down already when they open the curtain, right at 6. If he looks over, he'll see you.

ROMAN

If I say something? Could he hear?

DAVID

There's plate glass.

ROMAN

If I yell it?

David nods.

DAVID

If it happens, it'll happen fast. They don't tell you that. He'll be hooked to IVs when you see him, saline already flowing. He may make a statement, or not. Then it starts. He'll only know what's happening for a few minutes. --If it happens.

ROMAN

Come on, man. You're telling me you still think he's got a shot?

David reveals the trauma of his work by saying, simply:

DAVID

I have to.

CUT TO:

INT. MONTY APARTMENT, LIVING ROOM -- NIGHT

GAIL MONTY (60s) lets herself into her apartment with her granddaughter TARA (25), having just come back from the laundromat. Tara takes the laundry bag and goes down the hall. Gail sees her answering machine blinking. She hits play.

## MESSAGE #1

*Mrs. Monty, this is Kerry Tiner with the Harris County District Attorney's office. It's been a while since we talked. I didn't realize you'd moved out of Houston. I've been dialing your old number 'til somebody there set me straight.*

Gail sits down in the chair beside the machine.

## MESSAGE #1 (CONT'D)

*I'm calling to let you know it does look like Federico Alecia's execution will go forward Monday. Now I don't know if you're still interested in attending, but of course you are on the list--*

Gail's expression is inscrutable. Then she leans up and erases the message.

END OF ACT FOUR

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INT. CHITTY HOUSE, MASTER BEDROOM -- DAY

The clock radio beside Doug's bed PLAYS the NEWS. No one is there to turn it off. Doug did not sleep here, apparently.

## REPORTER'S VOICE

*Federico Alecia didn't fire the shot that killed Darius Monty during a 2003 home invasion in Gulf-ton, nor did he rape Monty's sister Tara. That was his brother Victor Alecia. But he did drive the car in which Victor fled, and in Texas that's enough to land you in the execution chamber of Huntsville's infamous "Walls" Unit.*

OUT THE WINDOW: In front of the prison, a vigil is gathering as well as a television news crew. David's truck pulls up.

EXT. WALLS UNIT, PARKING LOT -- DAY

David parks and gets out. He looks at the face of the prison, with its grim clock. 3:16. He ducks a reporter and goes in.

INT. WALLS UNIT, DEATH HOUSE, HOLDING AREA -- DAY

David sits in a folding chair in front of Alecia's hold cell.



Federico sits inside on a metal cot.

DAVID

It wasn't close. Six to one.

Three DEATH HOUSE GUARDS talking amongst themselves in the corner, trying to give them some privacy. With them sits Doug in his Pastor's collar, looking exhausted.

Adrenaline is building in Alecia. He tries to shake it off. He stands, but there's no where to go. He sits back down.

DAVID (CONT'D)

This is your time to prepare, so--

FEDERICO ALECIA

We're not done.

DAVID

We're done. If there was more I could be doing, I'd be doing it--

FEDERICO ALECIA

We're not fucking done!

DEATH HOUSE GUARD #1

*Alecia.*

Federico stands up again. The door to the execution chamber is now closed. The back side of it is unremarkable. Seafoam green. It could lead anywhere.

FEDERICO ALECIA

Are there TV crews out there?

DAVID

One. Do you want me to give them some kind of statement?

FEDERICO ALECIA

I'm not gonna give them a fucking thing. Let Victor give a statement.

Alecia begins to laugh, then to cry. He sits again. David glances at the guards. They're watching, not alarmed, but ready. Doug gives David a look: *Don't rile him up.*

FEDERICO ALECIA (CONT'D)

FUCK THIS! *FUCK!*

DAVID

I know you said if things didn't work out, you wanted to be calm. This is the moment to find that--

FEDERICO ALECIA

They brought me over here at one in the morning. Woke me up. See this?

He holds up his wrists. They're chaffed, pretty badly.

DAVID

I was told you weren't cooperative.

FEDERICO ALECIA

You better fucking believe it.  
"Fight to the End." That's what we're doing, some of us guys. They're gonna kill me with some drug they can't even put in cows? I'm not participating in this.

(loud, to the guards)

I'm not helping any of you. Not the warden, not you cocksuckers that're gonna tie me down. Not the doctor.

(in quiet disbelief)

Fucking doctor--

He looks up at David.

FEDERICO ALECIA (CONT'D)

All the fucking things I've done and they're gonna kill me for sitting in a FUCKING CAR? And Victor where he's at? You see how fucked up this is?

DAVID

Yes, I do.

FEDERICO ALECIA

I called my fucking girlfriend. I coulda gone in there and I didn't.

A beat. This last item is suggestive, but David doesn't ask.

FEDERICO ALECIA (CONT'D)

They put my stuff in trash bags. In front of me.

DAVID

Your family will take them. Or pick them up tomorrow.

FEDERICO ALECIA

*There is no fucking tomorrow.*

(thinking)

Wait-- You said there was some kind of equal protector claim--

DAVID

It was denied, too. This morning.

FEDERICO ALECIA

THEN WHAT ARE WE GONNA DO? --WHAT  
THE FUCK DO WE DO?!

DAVID

You told me you wanted to be calm.

FEDERICO ALECIA

*Fuck you.* You told me that. I told  
you I wanted an appeal that fuck-  
ing worked. --Man, I should've been  
riding your ass. Sent you a letter  
from Polunsky twice a fucking day--

DAVID

You had three great lawyers working  
this. That's three times as many as  
you got for your direct appeal.

FEDERICO ALECIA

There's always something more to  
do. You floor it 'til there's no-  
thing in the tank. You do that? You  
run it dry? Are you fried from try-  
ing to help me so hard?

David almost says something. He sets his jaw, instead.

FEDERICO ALECIA (CONT'D)

Every time you sat at a stoplight,  
you shoulda been thinking how to  
make my appeal work. Every time you  
stood there waiting to pick up your  
sushi or whatever the fuck you peo-  
ple eat, you shoulda been thinking  
of me. So *fuck you* and your three  
lawyers bullshit. You had seven  
years for this and you sunk me.  
Fucking killed me yourself--

There's only so much of this David's willing to take. He  
stands. Federico looks at him, scared and incredulous.

DAVID

I saw Sister John outside. I know  
she wants to see you before.

FEDERICO ALECIA

I'm trying to tell you something,  
and you're walking out? Goodbye Ass-  
*hole?*

David looks at the guards, they're just watching, waiting.

FEDERICO ALECIA (CONT'D)  
There's stuff I got to say to you,  
*tell* you. Not a fucking nun. *You*.  
And you're gonna to sit there and  
listen because I got two fucking  
hours left and nobody's gonna say  
"no" to me right now, especially  
you, *bitch*--

But David does; he heads for the door.

FEDERICO ALECIA (CONT'D)  
You *motherfucker*--!

DEATH ROOM GUARD #2 (O.S.)  
*Alecia*--

A guard opens up the exit and David walks through, right past the seafoam green door. Doug shoots a look at David's back and gets to his feet to take over.

DOUG  
Hey now--

FEDERICO ALECIA (O.S.)  
*PIECE OF SHIT! COCKSUCKER--!*

INT. WALLS UNIT, INTERIOR YARD -- DAY

David comes out into hot sunshine. Empty in, empty out. The guard who let him through, OFFICER MIKE DUJAY (25) offers him gum. David shakes his head. They can still hear Alecia.

MIKE DUJAY  
Set a lungs on him.

The guard tucks a stick into his mouth and chews.

DAVID  
He's scared.

MIKE DUJAY  
Uh huh.

CUT TO:

EXT. WALLS UNIT, FRONT PARKING AREA -- DAY

The sun is low, but has not yet set. An administrator leads Roman and Sister John out of the admin building opposite the prison, through the cars in front, past David's truck, and up to the front entrance. It is 5:45 p.m.

Mrs. Alecia is with the vigil. She sees Roman and raises her hand. Roman lifts a hand back, then goes into the prison.

Gail Monty is also at the vigil, though discreetly in back. They begin to SING.

INT. WALLS UNIT, FRONT SECURITY GATES/INTERIOR YARD -- DAY

Roman's group comes through security, gets badges, and is led across the yard to the death house. David has joined them. The death house is in shadow now as the sun is below the high brick walls. One door is propped open. The group is led into one of two witness rooms.

INT. CRAIN UNIT, VICTOR'S CELL -- DAY

VICTOR ALECIA (32) sits on his cot where he can see through his door slit a clock in the main communal area. 5:52 p.m. He looks jarringly similar to his brothers.

INT. WALLS UNIT, DEATH HOUSE, WITNESS ROOM 'B' -- DAY

The room is tiny with no chairs. A barred window takes up all of the front wall. David and Roman have to stand shoulder to shoulder to fit. A curtain on the other side blocks any view. They hear LOW TALKING behind the glass and other WITNESSES BEING BROUGHT INTO THE NEXT ROOM. The wall must be thin. When everyone is settled, the curtain is opened.

INT. WALLS UNIT, EXECUTION CHAMBER -- DAY

From inside the execution chamber, David and Roman can be seen standing in one half of the long window. Members of the press stand in the other half. It is clear from Roman's face that he is now seeing his brother.

Warden Dycus stands behind Alecia, where he is strapped down to the table, the IV already inserted into his arm. Doug stands with his hand on Federico's ankle, doing his best to keep him calm, working through a silent prayer for the man.

WARDEN DYCUS

Federico Alecia, would you like to  
make a final statement?

Roman looks on. If he's going to yell something, now would be the moment. But he doesn't, frozen by what he's seeing. Alecia does not respond. Warden Dycus offers the smallest nod. There is a long, long beat, before Alecia COUGHS TWICE (O.S). David watches also, his face completely expressionless. A physician steps forward to take Federico's vitals.

PATTY'S VOICE

*David, it's Patty. We're watching  
it here on TV. Thinking about you--*

CUT TO:

INT. DAVID'S TRUCK -- NIGHT

David's truck is parked outside a busy roadhouse bar. He sits inside with a plastic water pitcher in his lap, some bourbon and ice still at the bottom. An ARIA from Handel's opera "Xerxes" plays. His cell phone is on the dash.

PATTY'S VOICE

*You know who's not watching? Our pal Clee Jones. His assistant finally told me, two hours too late, that he has opera tickets for tonight. Can you beat that? Handel. Guess he went to hunt some civilization.*

Eventually a BARTENDER (white, 50) comes out of the road house and over, all spray-on tan and fried hair, smoking and shivering in her tank top. He rolls down the window.

BARTENDER

I thought you said you was gonna be crying out here.

DAVID

False alarm.

BARTENDER

Well, damn David. I always wanted to see a man cry.

She gives him a wink. They trade: pitcher for car keys.

CUT TO:

INT. DAWES' HOUSE, KITCHEN -- NIGHT

Recorded SINGING FROM THE VIGIL plays through TV speakers. Kay stands in the kitchen, watching a news report, the remote forgotten in her hand. On TV, David can be seen with Roman exiting the prison. The vigil is singing. We still hear Handel.

Her face takes on colors of hurt and concern as she realizes how in the dark David has been keeping her. She picks up the phone and dials his number. He doesn't answer. She hangs up, helpless in her own kitchen.

CUT TO:

INT. HOUSTON GRAND OPERA, MAIN AUDITORIUM -- NIGHT

CLEE JONES (50) and his wife LULU (50) sit in a box watching a spotlit soprano finish the ARIA. Lulu takes one of Clee's small, delicate hands into her own meaty one.

INT. HOUSTON GRAND OPERA, LOBBY -- NIGHT

Everyone comes out into the mezzanine for intermission. The crowd here is very monied, very "River Oaks." Clee, his wife, and another GENTLEMAN come out and head for the bar.

But David is waiting for them. He's in the same clothes he wore to the execution. When he speaks, it's clear he's a little drunk, maybe a lot drunk, but he's in control.

DAVID

I just came from the death house,  
Clee.

LULU

Now that is an entrance!

CLEE

Not exactly. I smell a roadhouse  
somewhere between here and there.  
David Dawes. I have that right?

DAVID

Can we talk in private? It won't  
take me five minutes to say what I  
have to say to you.

David stands there waiting.

CLEE

Oh, just say what you want. There's  
no need to be dramatic about it.

The man next to Clee is watching David. Clee keeps one eye on the man throughout, gauging his reactions very carefully.

DAVID

They executed Federico Alecia.

CLEE

Was that the Parties case? His  
brother raped that retarded girl?

DAVID

I litigated a Wiggins claim that  
your performance during the trial  
was insufficient, grossly so, and  
that you failed to put up obvious  
mitigating evidence.

LULU

(to the gentleman)  
Clee was a *defense* attorney years  
ago. I think you knew that--

CLEE

Clearly, your appeal wasn't very persuasive, Mr. Dawes.

DAVID

Actually, we won in federal district court, but the Fifth Circuit reversed the decision. Had they not, those would have been some interesting headlines for your new bosses in the D.A.s office to respond to.

Clee glares at David now.

DAVID (CONT'D)

We gave you countless chances to go on record and help Alecia. We wrote you eight formal requests for interviews.

CLEE

I'm not that hard to track down if you're motivated, obviously.

DAVID

Mr. Jones, I can think of good reasons why a lawyer might not be able to conduct a thorough investigation for his client. Or neglect to put up good evidence to save his life. I could've just let this go-- He's dead, after all. But I wanted to know, for myself, if you're someone I should forgive, or if you're some inveterate fuck up who shouldn't be practicing law. For either side.

Lulu's jaw drops an inch. The man next to Clee just smiles.

CLEE

Forgive? Mr. Dawes, lawyers make mistakes all the time, so do judges, police officers, witnesses, jurors, you, everybody. But the system's big enough to absorb all that. If the majority of judges to whom you presented your case felt I'd done my job adequately, then that becomes fact. The truth.

(beat)

(MORE)



CLEE (CONT'D)

The "inveterate fuck ups," as you put it--they're the guys that kill people and rape their sisters. And those who assist them. Or are you gonna to try to sell me your client was some kind of victim, too?

DAVID

You mean *our* client, Mr. Jones.

David smiles. The lights overhead are dimmed several times to indicate the end of intermission. David holds up two fingers.

DAVID (CONT'D)

Two trials. Two court-appointed defense lawyers. A killer and rapist gets life without parole, but *your* client, who sat in a car, gets death. Maybe "inveterate" is the wrong word, but what kind of lousy fucking lawyer do you have to be to come out on the bottom of that one?

Clee glances at his companions and then says:

CLEE

Well, thank you for this trip down Responsibility Lane, Mr. Dawes, but we should go if we don't want to have to find our seats in the dark.

David sticks out his hand. Clee doesn't takes it. With a look to his friend, Clee says:

CLEE (CONT'D)

I think God wonders about people like you, Mr. Dawes. I think he truly does.

David puts a hand on his shoulder and leans in close.

DAVID

"There are born eunuchs, and others made by men, but there are also eunuchs who made themselves so for all the glory of the kingdom of God."

(with a smile)

Guess which one are you.

David releases him and walks away. Lulu fans herself.

LULU

Did he say "*eunuchs*"?

Clee watches him go, a glint of real hate in his eye.

CUT TO:

INT. DAWES' HOUSE, LAUNDRY ROOM/BATHROOM -- NIGHT

Back home, David strips silently out of his clothes and puts them directly in the washer. Then he goes to the bathroom and gets in the shower there. He lets the shower hit him full in the face and scrubs hard, more a purging than a cleaning.

CUT TO:

When he comes out, Kay is there, still dressed from the day.

DAVID

I was trying not to wake you.

KAY

Every Houston station covered it, David. How did you think I wouldn't find out?

DAVID

Why didn't you call?

KAY

Whatever I had to say could wait. Are you all right?

David nods.

KAY (CONT'D)

Where have you been tonight?

DAVID

A bar. Then the opera.

Kay is not following this at all, but she sees he's serious.

KAY

And after that? It's two in the morning--

He doesn't answer. She nods as if this is an exchange with some history.

KAY (CONT'D)

You promised you'd take care of yourself. But this is Samples all over again. Only worse.

DAVID

How is this worse than Samples?

KAY

You weren't lying to me then.

DAVID

If you think I liked keeping this from you, think again.

KAY

You must have liked something about it or you wouldn't have done it.

DAVID

(shrugs)

It was easier.

KAY

David. This means we're in trouble.

DAVID

This is my job. This is who you married. I've tried it the other way, and it wasn't any better.

KAY

But to do this alone--?

DAVID

You're the one that said don't bring it home anymore.

KAY

I didn't say "don't bring it home." I said "don't forget this IS home." Where we live, where our son lives. And when you wash up here, all hollowed out and wrecked and pissed off at the world, it doesn't work. If you wear this place out, there's no where to go.

DAVID

I know that. So I tried this. Bad call.

She takes a step closer to him.

KAY

I know I'm not the one who has to go up there and see this thing. But if you're going to keep doing this you need a better coping strategy than bourbon and whatever compartment you've got me and Abe in now.

(beat)

(MORE)

KAY (CONT'D)

And you cannot lie. Not can you get behind the wheel of a car like this. And I need you to really hear how scared I am.

DAVID

Yes.

She nods, accepting this.

KAY

Are you okay? Right now. You're sure?

A beat. All David can think to say is:

DAVID

Yeah. I'm sure. Trust me--

And because he can't help it, he adds:

DAVID (CONT'D)

It was worse for Alecia.

He tries to smile. Something shifts in Kay's expression, some hope collapsing in on itself. She decides.

KAY

David, I want you to find a place to stay for a while.

DAVID

(floored)

What? That was a joke.

KAY

I'm not talking about divorce. Just until we figure out a better way.

David can't believe what he's hearing.

DAVID

This was crisis litigation, Kay. It's not always like this. You know that.

KAY

It should be. What part of being on death row isn't a crisis?

DAVID

We're set up now, we'll start catching cases earlier in the process. This will get better.

KAY

When's the next execution?

David hesitates a beat before he admits:

DAVID

Next week.

Even though it shouldn't any more, this floors Kay--the frequency of it all. If she hadn't already cried tonight, she would be crying now. Instead, she just nods.

KAY

Come up and get some sleep. We'll decide where you're going tomorrow.

He nods. Then he watches her go.

END OF ACT FIVE

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INT. CHITTY HOUSE, BEDROOM -- DAY

Doug's still in bed, even though his alarm clock reads 9:41 a.m. A sheet of clear plastic has been duct taped to his ceiling. It is pregnant with collected drips from the unrepaired leak. He looks at it. If the tape gives, he will be baptized. His little ladies BARK in the cellar, wondering where he is. We can barely hear him when he says his morning mantra:

DOUG

Another Chitty day.

INT. CHITTY HOUSE, GARAGE -- DAY

Dressed now, he goes to his garage and pulls down a plastic storage bin. Inside are dozens of small boxes. He takes one.

INT. CHITTY HOUSE, OFFICE -- DAY

He sits at his desk and cuts a short length of acetate ribbon. On it, he writes in Sharpie the name "Federico Alecia" and the DOD. Then he opens the box, revealing a small, Japanese iron bell. He ties the ribbon up on the clapper, out of sight and safe from rain.

CUT TO:

INT. TEXAS DEFENDER SERVICE, CONFERENCE ROOM -- DAY

Everyone is at the conference table. They quiet when David comes in. Everyone's watching him. He delivers his news with a mild off-handedness that is hard to take.

DAVID

Here's the report on last night:  
The Governor's office called at ten  
to four to let us know there'd be  
no stay or pardon. I had a diffi-  
cult conversation with Alecia. He  
got agitated. Apparently he ended  
up in restraints. I attended the  
execution with Roman. I've no idea  
who was there from the victim's  
family or the press--I didn't stay.  
The curtain opened right at six.  
Alecia refused his final statement,  
and there were no physical issues  
with the procedure. Time of death  
was 6:18 p.m. His family's handling  
coordinating transfer of the body,  
etc.

Somewhere a PHONE RINGS.

DAVID (CONT'D)

He didn't ask me to thank any of  
you, but he should've. We gave it  
our best.

(beat)

So we're 0 for 1, as a firm. Juan-  
ita, go ahead and tape up Alecia's  
file cabinet and move it to the cel-  
lar. We can store old cases there  
until we come up with a better  
place.

Juanita nods. Jerome and Gary trade a look. Miao nods to her-  
self: so even he can't be fully empty.

PATTY

Are you all right?

DAVID

New rule. We don't volunteer to at-  
tend executions anymore. No matter  
how badly you want to show a client  
you're on his side, no matter how  
long you've been working his case.  
This is non-negotiable. If a client  
asks, we'll rotate. I hope no one  
asks. This is non-negotiable.

(beat)

Now, before we shift our efforts  
back to DeFee, I need a favor.

GARY

Name it.

DAVID

I need someone to research all pending *habeas* cases from Harris County with trial dates before May '07.

JEROME

What are we looking for?

DAVID

Clee Jones. If he comes up on any of them as defense counsel, I want to know. Immediately.

INT. TEXAS DEFENDER SERVICE, RECORDS ROOM -- DAY

Juanita and interns use a dolly to move the black filing cabinet marked "F. Alecia" down to the cellar, taped up tight.

CUT TO:

EXT. BELLAIRE -- NIGHT

David walks with Abe through their Bellaire neighborhood. Everyone here's got a slice of lawn, everyone a patio. They go up a driveway. Abe is back in his Halloween costume. He's dressed as a boxer: terry-cloth robe, boxing gloves, even a smudged-on black eye.

They come up and ring the doorbell. David's NEIGHBOR (50), a well-built African American guy, opens the front door.

ABE

Trick-or-treat!

He looks at Abe, then at David, starting to smile.

DAVID

I know, I know. Don't ask.

NEIGHBOR

Okay, let me see what I got left.

He disappears and comes back with a fistful of Tootsie Rolls. Abe opens his bag wide, beaming.

NEIGHBOR (CONT'D)

What do you say, Champ?

ABE

Thank you!

DAVID

Tell him: Don't call you "champ" until you beat that guy Schmeling.

ABE

I am Schmeling.

A beat. David squints. So does the neighbor.

NEIGHBOR

That makes sense. You're white--

ABE

Joe Louis was black?

Abe turns to David. The neighbor looks up at David as well.

NEIGHBOR

You told him the story of Joe Louis, but you didn't tell the kid he was black?

DAVID

I was leaving stuff out. It was bed-time--

NEIGHBOR

I don't know whether to shake your hand or kick you.

DAVID

Anyway--thanks.

ABE

Thank you for the Tootsies!

David takes Abe's hand and they head back to the street.

DAVID

Really? *Schmeling*? Hitler would be proud.

ABE

(mildly, sincerely)  
Who's Hitler?

David just shakes his head: So many awful things still to go.

CUT TO:

INT. EARLE HOUSE -- NIGHT

Marlene sits with Carter, who's putting Silly Putty on newspaper photos to show her it picks up the ink. She nods, anhedonic. J.D.'s in a second-hand crib. The RADIO is on.

Charlie comes in, wearing work coveralls. He sits on the coffee table opposite her. She gives him a weak smile.



CHARLIE

You good?

She nods, half-smiling, as if surprised to be feeling better.

CHARLIE (CONT'D)

I told you. You turned the corner  
last night.

Charlie smiles brightly. She smiles as well.

CHARLIE (CONT'D)

First paycheck, we'll get a TV so  
it's not so boring here.

He checks his phone clock.

MARLENE

I'll drive you.

CHARLIE

I can't give you the keys, Marlene.  
Not yet.

A slow Ray Charles song comes on the radio. It's romantic.

MARLENE

You think it's safe to leave us  
here without a car?

CHARLIE

There are one-car families every-  
where. If you need something, we've  
got neighbors you can walk to.

MARLENE

At least leave me your phone. If  
J.D. chokes or something--

CHARLIE

No phone. No car. No cards. No mon-  
ey. We made a deal.

MARLENE

I'm not going to do anything.

CHARLIE

I'm not giving in, so stop.

MARLENE

(joking)  
I'll tell you my real name--

They sit in silence for a moment, listening to the song.

CHARLIE

Marlene, look at me. I want to tell  
you I'm proud of you.

She does. It's all in his eyes--his love, his pride, his fear  
for their future. For a moment she lets it in. He digs in his  
pocket and gives something to her. A Xanax.

CHARLIE (CONT'D)

Take it now.

She does.

CHARLIE (CONT'D)

When I leave, play with the kids,  
put them to bed, then take a bath  
if you want. I left an Ambien by  
the bed for after. When you wake  
up, I'll be there. Seven o'clock, I  
get off.

(beat)

I'll come by on my break if I can.  
Look in on you. But don't wait up.  
Sleep all you can. I love you.

MARLENE

You too, Charlie.

He looks surprised, and so happy to hear this. So happy.

CUT TO:

INT. EARLE HOUSE, BEDROOM -- NIGHT

Marlene has put Carter in her and Charlie's bed. She puts  
most of the Ambien in a soft cookie and gives it to him.

MARLENE

That's a crazy cookie, uh? Chew it  
up. Chew it all. It gets better--

Carter does, grimacing, but doing what's asked of him.

INT. EARLE HOUSE, BATHROOM -- NIGHT

Marlene checks herself in the mirror. She's made herself as  
presentable as she can. Eyeliner, lipstick. She's wearing the  
most "friendly" blouse she owns. And it's pretty friendly.

INT. EARLE HOUSE, HALLWAY -- NIGHT

Carter is passed out now. She closes the door and, with an  
extension cord, ties the knob to the bathroom door opposite  
so if he wakes, he won't be able to get out.

INT. EARLE HOUSE, LIVING ROOM -- NIGHT

As she goes to the front door, she checks J.D. He's asleep in his crib, though by what means is unclear. She goes and locks the door behind her.

EXT. EARLE HOUSE -- NIGHT

She walks to the road. In the distance, cars drive on a more well-traveled route. She heads toward the passing headlights.

EXT. UNITED METHODIST THRIFT CENTER -- NIGHT

She's dropped off outside the thrift store. It's closed up and dark, but across the street is Rangely's Bullseye, which is thumping with LIVE HONKY-TONK.

CLOSE ON: The white truck with brown stripe is there in the lot.

She crosses the road and disappears into the bar. There is a BLAST OF MUSIC as she opens the door, then she is gone.

CUT TO:

INT. DAVID'S TRUCK -- NIGHT

David and Abe pull into the garage. When David turns off the engine, Abe turns the game back on. Texans vs. the Colts.

DAVID

We can go in and watch, you know.

ABE

I like trying to see it in my head.

DAVID

Fair enough.

The garage door stays open behind them. He doesn't close it.

DAVID (CONT'D)

I'm not staying tonight, amigo. I'm going to be sleeping over at Alan's house. Maybe for a while.

ABE

Is he okay?

DAVID

He is. That's nice of you to ask.

ABE

Is it for work?

DAVID

It's because of work, yeah. But it's to make things easier since I won't be coming home late all the time and messing up your and Mama's plans.

Abe thinks this through.

ABE

Okay. But just for a while.

DAVID

Sure. Now let's go in. You can listen inside.

David unbuckles his seat belt, but Abe asks:

ABE

Dada, did you help that man you were trying to help? You said you'd tell me.

DAVID

(matter of factly)  
No. I couldn't.

The garage light finally goes out. They sit in the dark with just the radio dial for light.

ABE

What happened to him?

A beat. David thinks how to answer.

DAVID

He died.

ABE

How?

DAVID

They killed him.  
(beat)  
At a prison. A jury said he had to be killed and that's what they did. They gave him a lot of poison. In his arm.

ABE

How do you know where?

DAVID

I watched it.

ABE

Oh.

David sobs, once, but recovers fast. Abe looks up at him. He's never heard his father make a noise like this before. David smiles, pushing his rage and sadness down.

DAVID

So I'm little sad. Maybe a lot sad.

ABE

It's okay to be sad. You told me.

DAVID

That's right. It is.

A beat. Abe takes a warm hat out of his coat pocket and puts it on. David pulls Abe onto his lap. They sit like that listening to the rest of the game. A CELL PHONE RINGS IN V.O.

INT. DAWES' HOUSE, ABE'S ROOM -- NIGHT

David puts Abe to bed. He turns on the night light, gives him a hug, and goes. THE CELL RINGS AGAIN IN V.O.

INT. DAWES' HOUSE, KITCHEN -- NIGHT

David and Kay stand holding each other. There is no question of her love for him, or his for her, only the terms of it. IT RINGS A THIRD TIME IN V.O.

MIAO (V.O.)

David, it's Miao Deng. I'm sorry to call you so late.

EXT. WEST LOOP FREEWAY -- NIGHT

David is in his truck, bags piled up in the cab beside him.

DAVID (V.O.)

I wasn't sleeping. Is everything all right?

MIAO (V.O.)

I thought you'd want to know. After you left today I did some searches. I needed to familiarize myself with your case summaries anyway.

INT. ALAN PAVELKA'S HOUSE, FOYER -- NIGHT

Alan opens his front door for David. David comes in, smiling, embarrassed, shaking his head at this turn of events. Alan gives him a bear hug. Then his wife does.

INT. ALAN PAVELKA'S HOUSE, GUEST SUITE -- NIGHT

David is in the guest bed, on his cell talking to Miao.

MIAO'S VOICE

There were no cases in your files with Clee Jones listed as the defense attorney. But I checked online and found *one*. A lawyer named Bob Sanger from Innocence Texas took over the direct when Clee Jones quit to join the D.A.'s office last year, but I spoke with him and he says he'd be happy to transfer the case if we're inclined to take it.

David sits up. He looks like a dog with the biggest possible bone.

DAVID

How soon can you get me an intake interview?

MIAO'S VOICE

As soon as someone tells me how.

CUT TO:

EXT. DAVID'S TRUCK -- DAY

David is back on the road, driving north, approaching Gatesville. He looks as exhausted as he does wired. It may be simplest to say he is in the grips of an addiction of his own.

INT. DAVID'S TRUCK -- DAY

David pulls to the gate at the TDCJ's Mountain View Unit and waits as guards search under his truck. There's no mountain and no view; just another modern Texas prison complex.

INT. MOUNTAIN VIEW UNIT, VISITATION AREA -- DAY

He is let into the visitation room and walks over to where a GUARD, a big tow-headed kid (25), sits with a clipboard. He checks his list, then points to an enclosed visiting booth.

INT. MOUNTAIN VIEW UNIT, ENCLOSED VISITING BOOTH -- DAY

He comes into the booth and sits. He's reading over a document when they bring in Marlene Earle.

As Marlene sits and puts her hands back through the slot to be uncuffed, we realize that, throughout the episode, we have been watching her story unfold in *flashbacks*.

She looks older now, grounded. She has no makeup. Her hair, no longer bleached, is tied back. And she's clean. A hundred different, tiny things about her evidence this. The biggest is that she's absolutely focused, no longer fractured by various panics and humiliations. Her eyes never leave David's.

MARLENE

Thank you for making time to see me, Mr. Dawes.

DAVID

It's "David." I've read your case summary. Since Innocence Texas hadn't really gotten a chance to start on your direct appeal yet I thought I could help out since my group has a slot. And I can guarantee you I'm going to give your case everything I've got, which is formidable.

Marlene nods, grateful for his confidence.

DAVID (CONT'D)

You want to start by telling me how you think we can be of help to you?

She meets David's eyes and says, simply:

MARLENE

I want to start by telling you I didn't kill my husband and son.

David is unfazed. He's heard this sort of thing before dozens of times. He barely looks up from his notes.

DAVID

We can talk about that if you like, but frankly that may not even be relevant to your appeals.

MARLENE

It's a weird business, isn't it?

He finally looks at her. Really looks.

DAVID

It's fucked up. Oh yeah.

She smiles, just a little. She likes him already.

DAVID (CONT'D)

For now, I need to know things like how well you think your trial was conducted.

(MORE)

DAVID (CONT'D)

Any technicalities you feel have come up that shouldn't have. Your candid assessment of the job Mr. Jones did for you. Everything. So let's walk through it together, all right? From whatever you consider the beginning.

(beat)

Take me back there. I want to hear all of it.

She thinks this question over, and then begins.

CUT TO:

EXT. "WALLS" UNIT, ENTRANCE -- DAY

The "Walls" Unit and the neighborhood around it are quiet this sunny morning. No rain today. Birds CALL to one another in treetops. Wind chimes still TING in the breeze.

A pair of GUARDS comes out of the prison carrying four red mesh bags containing Federico Alecia's personal effects. They bring them to the curb and wait for Alecia's family to pull up and take them away. They chat while they wait. Laugh.

A little further down the street, a roofing van is parked in front of the house where Doug lives. A couple of men climb up onto the roof and, soon after, the HAMMERING begins. Another fine morning in Texas.

HONKY-TONK, or BACH, begins playing over **CLOSING CREDITS.**

END OF PILOT